

**From:** Ben Carroll  
**To:** microsoftcomments@doj.ca.gov@inetgw  
**Date:** 11/20/01 1:23pm  
**Subject:** Regarding the Microsoft Settlement

To the Offices of the California Attorney General and the U.S.  
Department of Justice,

I would like to convey my dissatisfaction with the U.S. Department of Justice's settlement agreement in the Microsoft anti-trust proceedings. As I understand it, California is one of the states which has refused the settlement as it stands and I am glad to see that my home state is attempting to do the right thing against pressure from above.

My principal complaint about the agreement, detailed in today's Wall Street Journal, is that it is not a penalty for Microsoft. It is merely an investment and a sanctioned furthering of their monopoly in a place where it may be seen as political suicide to stand against it. The idea is that Microsoft is always trying to find ways to seed the market to their benefit, to build user dependency on their OS and software products. To permit them to pay their debt to society by donating \$1.1 billion of their own software to schools in need will just make the students of the 14,000 eligible schools into future customers of Microsoft. They will make back that \$1.1 billion in spades over the next few years.

To use a metaphor that the schoolchildren affected may understand, Microsoft is a wolf, and the USDOJ has just handed them a finely tailored suit of sheep's clothing.

The other problem with this sort of a "penalty" is that it lends itself to questionable accounting practices. For example, if Microsoft donates a copy of their new Office X program, does that count against their penalty for the full retail cost, or just the cost of delivery for the unit itself. If it is the former rather than the latter, then Microsoft is getting off with a truly light sentence. Using the example of Office X, the retail price is in excess of \$400.00. The cost of delivery, including the box, full documentation, and a handful of CD-ROMs could not possibly exceed \$20.00.

I would like to propose an alternate settlement with only slight changes which would still have the effect of bettering school environments in economically challenged areas.

Rather than permitting Microsoft to seed the market with its own products, the penalty which would be more appropriate would be to

have them donate products from competing companies.

What I would like to see Microsoft donate to these schools is something along these lines:

- 1- 100,000 iMacs and 50,000 G4 desktop machines
- 2- 150,000 generic PCs (using AMD chips, rather than Intel, but that's another issue altogether) with RedHat Linux pre-loaded instead of Windows
- 3- 1,00,000 PalmOS-based PDAs (no Windows CE systems)
- 4- 14,000 (one per school) Sun Sparcstations
- 5- 14,000 licenses for Oracle database software
- 6- 140,000 (ten per school) Sony PS2 and Nintendo Cube game systems (no X-Boxes)

I think that this would have the dual effect of penalizing Microsoft while also bolstering the competition enough that a somewhat more competitive environment would be the result.

The people who run Microsoft may be fine people, individually great business people. However, their work in concert has produced a bully of a company. And bullies, if not properly reprimanded will simply go on to become bigger, meaner bullies. I hope that some appropriate action such as I have described can be encouraged.

Sincerely,

Benjamin I. Carroll

CC: Microsoft ATR